THE HONOURABLE SRI JUSTICE V.ESWARAIAH

WRIT PETITION No:15436 of 2007

DATED:23-07-2007

BETWEEN:

Bommaraveni Mallesh @ Mallaiah.

..... PETITIONER

AND

The Station House Officer,
II Town Police Station,
Karimnagar District & 3 others.

.....RESPONDENTS

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ORDER:

Heard learned counsel appearing for the petitioner as well as the learned Government Pleader for Home appearing for the respondents.

2. Petitioner seeks a writ of mandamus declaring the action of the 1st respondent herein in calling the petitioner to the police station on 08-07-2007, 10-07-2007 & 11-07-2007, and illegally confining in the police station from morning to evening, and threatening to compromise with the private parties, otherwise, to face severe consequences, as illegal, and arbitrary.

3. It is the case of the petitioner that he is a small businessman doing real estate business and he purchased certain property and in that transaction one Chandrasekhar Reddy entered into an agreement of sale, dated 14-12-2006, but as the said Chandrasekhar failed to comply with the terms and conditions of the agreement of sale the same has become fictitious and invalid document. Though the said agreement is invalidated the said Chandrasekhar approached the petitioner to validate the said agreement and therefore, petitioner executed another agreement, dated 29-12-2006, accepting to give 10% of the share in the property to the said Chandrasekhar, but at the instance of the said Chandrasekhar 1st respondent-Station House Officer, II Town Police station, Karimnagar District is calling upon the petitioner to

settle the civil disputes and demanded him to pay a sum of Rs.12,00,000/- to the said Chanrasekhar either by way of cheque or by cash. It is stated that the said police called the petitioner to the police station on 08-07-2007,
10-07-2007, and 11-07-2007 and threatened to initiate criminal action if the said amount is not paid, and against the action of the 1st respondent petitioner also approached the 2nd respondent-Superintendent of Police, Karimnagar as well as the Deputy Superintendent of Police explaining them orally what has been transferring between the petitioner and the 1st respondent but they have not taken any action. Hence, the present Writ Petition.

4. The particulars of the property, said to have been purchased by the petitioner, have not been mentioned, and even the copies of the said agreements have not been filed. Without disclosing the particulars of the property petitioner has simply stated about the agreements of sale, dated
14-12-2006, and 29-12-2006. With regard to the allegations made against the 1st respondent about calling the petitioner to the police station and also about the oral representation said to have been made before the Deputy Superintendent of Police and the 2nd respondent, absolutely there is no recorded evidence to support the same. No single paper has been filed in support of the contention of the petitioner except the writ affidavit and vakalat.

5. Learned counsel appearing for the petitioner further submits that as per law police has no business to interfere with the civil

disputes and civil rights. Absolutely there is no any document about his undisputed right, title of the property. As there is no any written representation by the petitioner before the respondent, no writ of mandamus can be issued. There is no material to show that the police is interfering with the civil rights and disputes and without making any representation before the superior officials, it is difficult for this Court to believe about the allegations made in the writ affidavit. I am of the opinion that to issue a writ of mandamus there should be a representation/request to consider the relief to command them. Therefore, writ petition is not maintainable and is liable to be dismissed with costs.

6. Accordingly, Writ Petition is dismissed with costs.

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V.ESWARAIAH,J

23rd July, 2007.
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